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## Guidance

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### Solicitors called for jury service - guidance

Thursday 29 September 2005

1. As a result of Section 321 of the Criminal Justice Act 2003 solicitors are no longer ineligible for jury service and have no entitlement to be excused as of right. The Law Society supports this change in the law. We believe that juries are a fundamental aspect of a fair criminal justice system and that the performance of jury service is an important civic duty. It is in the public interest that jurors are drawn from as wide a pool as possible. Solicitors, and other persons concerned with the administration of justice, should not be automatically exempt.

2. Applications may be made to the summoning officer to either excuse or defer service as a juror. Practitioners are referred to the [official guidance for summoning officers](#) and in particular to paragraphs 9 and 18. The most likely result would be either deferral to a later date or service at a different court. It is only in exceptional circumstances that complete excusal would be granted.

3. It would be wrong for a juror to have special knowledge of any person involved in a trial. That applies not just to defendants, police officers and witnesses but also to members of the judiciary (including solicitors sitting as magistrates or in a judicial capacity), to Crown Prosecution Service staff, legal advisers to magistrates and to legal representatives. Personal knowledge of the jury bailiff or court staff other than case progression officers would not be considered a reason to be excused from service.

4. If a solicitor receives a summons to attend the court at which they regularly practise or sit judicially they should apply to the summoning officer not to serve there. Deferral in these circumstances is unlikely to solve the problem and the summoning officer should consider whether service could be undertaken at a different court. In such cases it should be borne in mind that no juror is expected to travel to a court more than one and a half hours from home.

#### Business considerations

5. As is the case with any potential lay juror, valid professional or business reasons may justify deferral or excusal. However such applications will be looked at closely and only granted if there would be unusual hardship. If a solicitor has a court fixture arranged prior to receipt of the jury summons for which there is a professional requirement to attend, or if the interests of a client would be otherwise jeopardised, application for deferral should be made. Such an application should contain sufficient information to enable the summoning officer to make an informed decision.

6. It may be possible to apply to the judge to be excused for a short period of time during the performance of jury service, either for pressing personal reasons (for example, a family funeral or a child's graduation ceremony), or where it is necessary for the solicitor to personally attend on a client, particularly if this appointment was made before the period of jury duty was contemplated and couldn't be changed.

#### What to do if you are selected

7. Where a solicitor attends a court for jury service and finds they are a member of a jury panel where they are familiar with the judge presiding, a legal representative, the defendant, a member of the defendant's family or a potential witness they should raise the matter with the judge through the jury bailiff or member of the court staff.

8. Once selected to serve on a jury a solicitor does so as part of their duty as a private citizen. It is neither necessary nor appropriate to conceal their profession from other jurors but nor is it necessary to volunteer such information immediately. They should expect to be treated as equal members of the jury and should not be accorded any special status. They sit on the jury as members of the tribunal of fact and not in their professional capacity.

9. Whenever a jury of which a solicitor is a member is required to leave the courtroom during a trial they should

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not offer to their colleagues, even if asked, any explanation as to the reason beyond that which the judge has given.

10. A solicitor should not express any advice or opinion as to the law or as to any direction on the law given by the judge. They may, like any other jury member, send a note to the judge asking any relevant question of fact or law. They must accept, again like any other member of the jury that it is for the judge, not the jury, to decide issues of law and must accept legal directions on any issue even if they consider them to be incorrect.

**Author(s):**

Law reform and legal policy

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